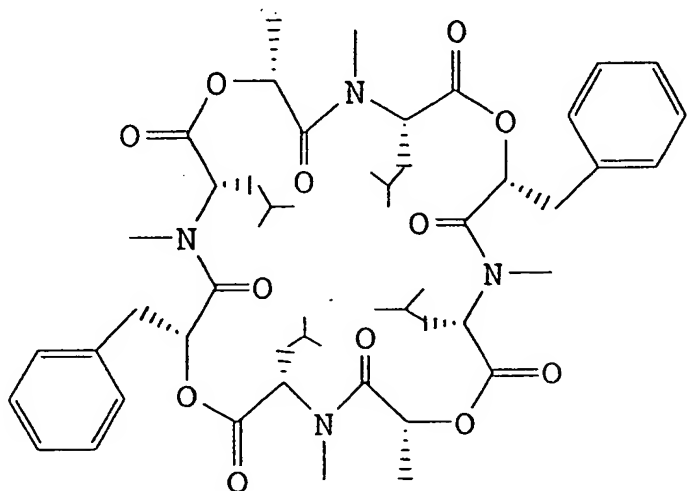


### AMENDMENTS TO THE CLAIMS

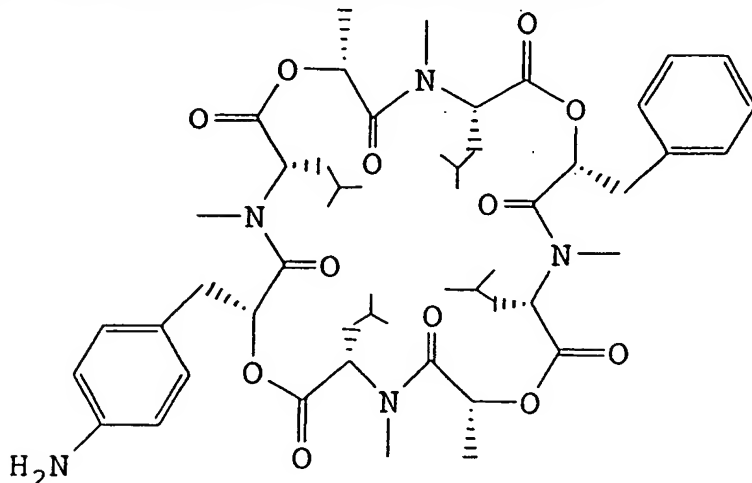
1. **(Currently amended)** A transformant of a microorganism ~~producing a peptide or a depsipeptide~~, wherein ~~the transformant is produced by transforming the microorganism is transformed~~ by introducing (i) a polynucleotide encoding the amino acid sequence of SEQ ID NO: 2, (ii) a polynucleotide encoding the amino acid sequence of SEQ ID NO: 4, and (iii) a polynucleotide encoding the amino acid sequence of SEQ ID NO: 6, into the microorganism,

wherein the microorganism to be transformed produces a peptide or a depsipeptide, which is substance PF1022 ([cyclo (D-lactyl-L-N-methylleucyl-D-3-phenyllactyl-L-N-methylleucyl-D-lactyl-L-N-methylleucyl-D-3-phenyllactyl-L-N-methylleucyl)]) represented by the following formula:



, and

so that wherein the transformant produces a peptide or a depsipeptide having a benzene ring skeleton substituted at the para-position with a nitro group or amino group: a derivative of substance PF1022 represented by the following formula:



**2-4. (Cancelled)**

**5. (Previously presented)** The transformant according to claim 1, wherein the peptide or the depsipeptide is synthesized from at least one molecule selected from the group consisting of phenylalanine, tyrosine, and phenyllactic acid.

**6-16. (Cancelled)**

**17. (Previously presented)** The transformant according to claim 1, wherein the microorganism is transformed by introducing polynucleotides comprising: (i) the DNA sequence of SEQ ID NO: 1, (ii) the DNA sequence of SEQ ID NO: 3, and (iii) the DNA sequence of SEQ ID NO: 5 into the microorganism.

**18. (Cancelled)**

**19. (Previously presented)** The transformant according to claim 1, wherein the microorganism to be transformed is Mycelia sterilia.

**20. (Previously presented)** The transformant according to claim 19, wherein Mycelia sterilia is strain PF1022 deposited with the National Institute of Bioscience and Human-Technology under an accession number of FERM BP-2671.

**21. (Previously presented)** The transformant according to claim 1, wherein the transformant is strain 55-65 deposited with the National Institute of Bioscience and Human-Technology under an accession number of FERM BP-7255.

**22. (Cancelled)**

**23. (Withdrawn-Currently amended)** A method for producing a peptide or a depsipeptide having a benzene ring skeleton substituted at the para-position with a nitro group or amino group, which comprises ~~the steps of:~~

culturing the transformant of claim 1 under conditions suitable for production of the peptide or the depsipeptide, and

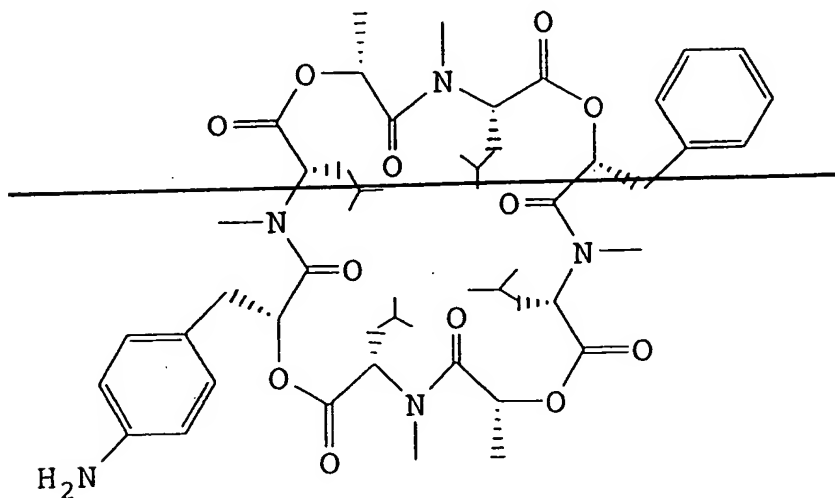
collecting the ~~the~~ peptide or the depsipeptide.

**24. (Cancelled)**

**25. (Withdrawn-Currently amended)** A method for producing a substance PF1022 derivative, which comprises ~~the steps of:~~

culturing the transformant of claim 6 1 under conditions suitable for production of the substance PF1022 derivative, and

collecting the substance PF1022 derivative ~~of the following formula:~~



**26. (Previously presented)** An isolated polynucleotide encoding the amino acid sequence of SEQ ID NO: 2.

**27. (Original)** The polynucleotide according to claim 26, which comprises the DNA sequence of SEQ ID NO: 1.

**28. (Previously presented)** An isolated polynucleotide encoding the amino acid sequence of SEQ ID NO: 4.

**29. (Previously presented)** The polynucleotide according to claim 28, which comprises the DNA sequence of SEQ ID NO: 3.

**30. (Previously presented)** An isolated polynucleotide encoding the amino acid sequence of SEQ ID NO: 6.

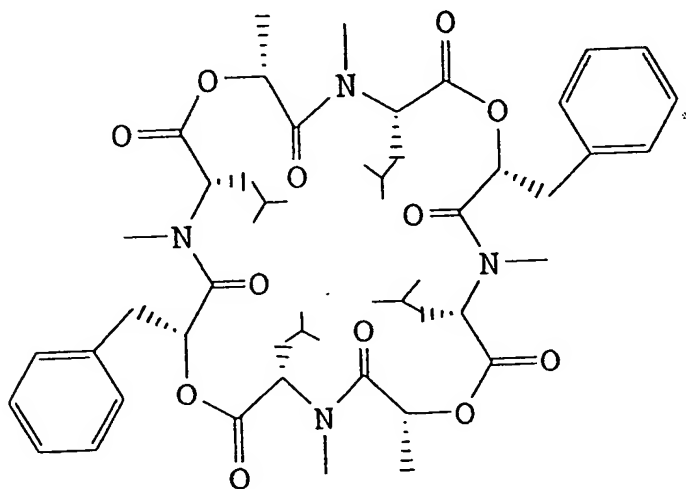
**31. (Previously presented)** The polynucleotide according to claim 30, which comprises the DNA sequence of SEQ ID NO: 5.

**32. (Currently amended)** The transformant according to claim 6 1, wherein substance PF1022 is synthesized by a substance PF1022-synthesizing enzyme from four molecules of L-leucine, two molecules of D-lactic acid and two molecules of D-phenyllactic acid.

**33. (Currently amended)** A transformant of Mycelia sterilia, wherein the transformant is produced by transforming the Mycelia sterilia by introducing (i) a polynucleotide encoding the amino acid sequence of SEQ ID NO: 2, (ii) a polynucleotide encoding the amino acid sequence of SEQ ID NO: 4, and (iii) a polynucleotide encoding the amino acid sequence of SEQ ID NO: 6.

**34. (Previously presented)** The transformant according to claim 33, wherein Mycelia sterilia is transformed by introducing polynucleotides comprising (i) the DNA sequence of SEQ ID NO: 1, (ii) the DNA sequence of SEQ ID NO: 3, and (iii) the DNA sequence of SEQ ID NO: 5 into the Mycelia sterilia.

**35. (Previously presented)** The transformant according to claim 33, wherein the Mycelia sterilia to be transformed produces a substance PF1022 ([cyclo (D-lactyl-L-N-methylleucyl-D-3-phenyllactyl-L-N-methylleucyl-D-lactyl-L-N-methylleucyl-D-3-phenyllactyl-L-N-methylleucyl)]), represented by the following formula:



**36. (Previously presented)** The transformant according to claim 35, wherein substance PF1022 is synthesized by a substance PF1022-synthesizing enzyme from four molecules of L-leucine, two molecules of D-lactic acid and two molecules of D-phenyllactic acid.

37. (Previously presented) The transformant according to claim 33, wherein the transformant produces a substance PF1022 derivative represented by the following formula:

